

PROFFERS

FAIRFAX HOSPITAL SYSTEM

RZ 87-C-042
and
PCA 85-C-091-2

January 25, 1991

Pursuant to Section 15.1-491 (a) of the Code of Virginia, 1950 edition as amended, the undersigned hereby proffers that, in the event the property that is the subject of RZ 87-C-042 is rezoned to the C-3 District and the companion PCA 85-C-091-2, PCA 78-C-079-1, and SEA 84-C-076-3 applications are approved by the Board of Supervisors, development will be subject to the following terms and conditions:

1. Pursuant to Par. 4 and 5 of Sect. 18-204 of the Zoning Ordinance, development of the subject property will be in conformance with the Generalized Development Plan/Special Exception Amendment Plat (The Plan) prepared by Dewberry & Davis, which consists of four (4) sheets and dated January 15, 1990 and last revised to January 25, 1991 and the conditions of approval of Special Exception Amendment 84-C-076-3.
2. Ingress/egress easements and necessary temporary grading and construction easements will be provided for parcels 45-2 ((1)) 8, 9 and 11 in the event that said parcels develop in medically-related uses.

3. In conjunction with the approval of the site plan for the second medical office building, transitional screening yards and barriers will be provided in accordance with the representations presented on The Plan. Transitional screening will consist of existing vegetation which will be supplemented as required by the County Arborist to meet the standards specified in Article 13. Barrier D will be extended as shown on the Plan, along the western and southern boundaries of the site. The Barrier D extension will be a vinyl coated 42-48 inch chain link fence. No barriers will be provided along the other boundaries. All landscaping and barriers will be maintained by the applicant in accordance with the provisions of Section 13-106 of the Zoning Ordinance.

4. The limits of clearing and grading depicted on The Plan will be maintained. Utilities and the several access easements/interparcel connections may be located within the limits of clearing and grading provided that they are installed in the least disruptive manner possible as approved by the Director of the Department of Environmental Management (DEM). A re-vegetation plan will be submitted to mitigate the impacts of the clearing and grading as approved by the County Arborist. The proposed underground stormwater management facility(s) will not encroach into the limits of clearing and grading depicted on The Plan.

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5. The applicant will provide a detailed landscape plan with the submission of the site plan for the second medical office building for approval by the County Arborist. This landscape plan will include the proposed landscaping in the existing parking lot and will be in substantial conformance with the preliminary landscape features presented on The Plan. In addition, the site plan(s) for each of the proposed building(s) will include a planting plan for the foundation of the respective building subject to the approval of the County Arborist. A planting plan for the foundation of the existing hospital building will be included with the submission of the first site plan submitted subsequent to the approval of this application, i.e. the site plan for either of the hospital expansions or the second medical office building. Such plans will be similar in character to the Landscape Plan for the Medical Office Building #1 as determined by the County Arborist, a copy of which is presented on Sheet 4 of 4 of the Plan.

6. The heights of the buildings will not exceed the heights as represented on The Plan. Rooftop structures to include penthouses will not extend more than twelve (12) feet above the roof line of the medical office buildings and will be screened by a parapet wall three to four feet in height.

7. The use of the medical office buildings will be limited to medical-related uses and accessory service uses as permitted by Article 10 of the Zoning Ordinance.

8. The applicant will maintain the existing stormwater detention facility located in the northeastern quadrant of Alder Woods Drive and Joseph Siewick Drive which has been improved to increase its capacity and converted to a wet pond in accordance with Site Plan 3624-PI-03, as approved by Fairfax County. Best Management Practices (BMP's) for the existing development, have been provided in the existing stormwater management facility as approved by DEM.

9. The applicant will develop a plan for approval by the Director of DEM to provide: (1) An adequate watercourse channel between the storm drain outlet in the vicinity of Lot 470 Fair Oaks Estates and the main water channel; (2) Supplemental trees in the vicinity of Lot 470 Fair Oaks Estates to soften the sight line between the residence on that lot and the hospital site; (3) An onsite maintenance program to control erosion and minimize the amount of sediment draining to the existing stormwater management pond. This plan will be submitted within ninety (90) days of the date of approval by the Board of Supervisors of this application.

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10. Stormwater management and Best Management Practices (BMP's) will be provided for the proposed second medical office building and hospital expansion in accordance with the policies and ordinances of Fairfax County. An additional stormwater management facility(s) will be provided to accommodate additional runoff from the proposed second medical office building and hospital expansion. As noted on the GDP, this facility may be located underground. With each phase of development which increases the impervious area on the site, stormwater management will be provided in either a temporary or a permanent facility(s). The exact location and size of the facility(s) will be determined at time of each site plan submission.
11. Prior to issuance of the Non-Residential Use Permit (Non-RUP) for the second medical office building, the proposed stop signs will be installed at the locations indicated on The Plan.
12. Prior to issuance of the Non-RUP for the second medical office building, the applicant will provide a bicycle rack in a safe and accessible location next to the proposed office building as approved by DEM.
13. Prior to issuance of the Non-RUP for the second medical office building, a picnic table will be provided at an appropriate location near the proposed office building.

14. Parking lot lighting for the second medical office building will be designed and located in accordance with the glare standards set forth in Section 9 of Article 14 of the Zoning Ordinance in effect at the time of site plan approval for the second medical office building.

15. The proposed second medical office building and the proposed permanent MRI will be constructed with a brick similar in color and size to those used for the existing medical office building and hospital. The second medical office building will have an appearance that is comparable to the representation presented on Sheet 3 of The Plan as determined by DEM. In addition, the applicant will, to the extent possible, employ innovative types of windows and/or shades to minimize the glare from the second medical office building towards the residential areas. Architectural elevations for the proposed hospital administrative office building will be submitted to the Planning Commission for review and approval.

16. The applicant will provide the Fair Oaks Estates Homeowners Association and the Navy Vale Community League with written notification of the submission of the site plan(s) to DEM for the second medical office building and proposed hospital expansions. The site plan for the second medical office building will include a Landscape Plan addressing transitional screening and supplemental plantings along the western and eastern property lines. In addition to the requirements set forth in Par. 1 of Sect. 17-106 of the Zoning

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Ordinance, copies of the written notification of the submission of the site plan(s) will be submitted to DEM.

17. The applicant will construct the following transportation improvements subject to the approval of DEM and the Virginia Department of Transportation (VDOT). These improvements will be provided in accordance with the timing established in this proffer and Proffer 18.

a. The improvement of "Unnamed Street", (Alder Woods Drive Extended) to a four lane undivided standard within a 63 foot right of way with a 52 foot pavement section from Alder Woods Drive to Rugby Road to include a 4 foot concrete sidewalk in accordance with Site Plan 3624-PI. If requested by and subject to the approval of DEM, the applicant may escrow the appropriate funds for construction of the sidewalk by others at such time when the sidewalk can be connected to the planned sidewalk along Rugby Road.

b. The improvement of Rugby Road to provide a right turn lane onto "Unnamed Street" (Alder Woods Drive Extended) in accordance with Site Plan 3624-PI.

c. The improvement of Ox Trail to provide a left turn lane onto Joseph Siewick Drive from Ox Trail.

- d. If and when deemed necessary by the applicant, the construction of an emergency access road between the Fairfax County Parkway in conformance with the approved plans for the Fairfax County Parkway which will align with the site entrance on Alder Woods Drive as may be approved by DEM and VDOT. If required by VDOT, a traffic signal at the intersection of Alder Woods Drive will be provided.
- e. A letter of credit or other financial documents as may be approved by the Director of DEM for the cost of a traffic signal at the intersection of Rugby Road and "Unnamed Street" (Alder Woods Drive Extended) will be provided at time of site plan approval for the second medical office building or the signal itself will be provided subject to the approval of VDOT.
- f. At time of site plan approval for the second medical office building, if VDOT warrants for signalization are met, a traffic signal at the intersection of Ox Trail and Joseph Siewick Drive will be provided.
- g. At time of site plan approval for the second medical office building, the applicant will contribute \$10,000.00 as adjusted

for inflation as specified in the Consumer Price Index for the cost of a future signal at the intersection of Ox Trail and West Ox Road.

The applicant will use best efforts to acquire right-of-way which may be needed for the above-referenced improvements. Where necessary, the applicant proffers to pay for the cost of any additional right-of-way needed for such improvements. In the event the applicant is unable to acquire needed right-of-way, the applicant shall request that the County acquire the right-of-way by means of its condemnation powers at applicant's expense. It is understood that the County shall be under no obligation to do so. It is further understood that the applicant's request will not be considered until it is forwarded, in writing, to the Director of Property Management accompanied by: (1) plans and profiles showing the necessary right-of-way property; (2) an independent appraisal, by an appraiser not an employee of the County, of the value of land taken; (3) a twenty (20) year title search certificate of the right-of-way property to be acquired; and (4) a Letter of Credit in an amount equal to the appraised value of the property to be acquired not including any damages to the residue, which can be drawn upon by the County. It is also understood that in the event the property owner of the right-of-way property to be acquired is awarded more than the appraised value of the property alone and not including any damages to the residue, in a condemnation suit, the amount of the award in

excess of the Letter of Credit amount shall be paid to the County by the developer within five (5) days of said award. If the County elects not to use its powers of eminent domain to acquire right of way that is required for a given road improvement, applicant's proffered obligation for construction of that road improvement shall be deemed satisfied when the applicant post funds in escrow for acquisition of said right-of-way as provided herein above (the amount to be determined at the time of posting by an appraiser approved by the County Executive or his designee) and funds for the cost of construction of said road improvement (the amount to be determined at the time of posting by a construction cost estimator approved by the County Executive or his designee.) The above appraisal and estimate shall be at applicant's expense.

18. No issuance of the Non-RUP for the proposed second medical office building will occur until the road improvements identified in 17 a, b and c are "completed." "Completed" will be construed to mean physical improvements are in place and sufficient to allow the roads use by vehicular traffic and open for vehicular traffic regardless of the roads acceptance into the State's road system.

19. At time of site plan approval for the second medical office building, or upon demand by Fairfax County or VDOT, whichever occurs first, the applicant will dedicate to the Board of Supervisors and convey in fee simple right-of-way along the subject property's Ox Trail frontage to

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a distance of 35 feet from the existing centerline. Temporary grading and construction easements across the Ox Trail frontage of the site will be provided as requested by VDOT and/or DEM.

20. All rights of way dedicated in conjunction with these proffers will be conveyed to the Board of Supervisors in fee simple.
21. The land area subject to RZ 87-C-042 which consists of 7.5 acres will be dedicated to the Fairfax County Park Authority in fee simple upon demand for public park use or public natural open space. A public access easement for maintenance and public access purposes will be provided along Joseph Siewick Drive from Alder Woods Drive to Ox Trail. An additional 35-foot public access easement will be provided to this parcel in one of the two approximate locations shown on The Plan. The location of the 35-foot public access easement will be subject to the approval of the Fairfax County Park Authority. This land area and the 5.4 acres referenced in PCA 78-C-079-1 will be dedicated to the Fairfax County Park Authority prior to issuance of the Non-RUP for the second medical office building.
22. All land area dedicated for public use(s) in conjunction with these proffers for PCA 85-C-091-2 and RZ 87-C-042 and all density/floor area ratio related to the land area of these dedications is hereby reserved for the subject property in accordance with the provisions of Par. 5 of Sect. 2-308 of the Zoning Ordinance.

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23. Handicapped parking spaces for the second medical office building will be located in a convenient and accessible location adjacent to the entrance(s) to the office building.

24. All proposed dumpsters will be screened by a combination of brick walls, a gate and evergreen plantings as may be approved by the County Arborist.

25. Each reference to "Applicant" in this proffer will include within its meaning, and will be binding upon, applicant's successor(s) in interest and/or the developer(s) of the subject property or any portion thereof.

FAIRFAX HOSPITAL SYSTEM, INC.

By: Donald L. Harris
Donald L. Harris, Senior Vice President

INOVA HEALTH SYSTEMS FOUNDATION

By: Donald L. Harris
Donald L. Harris, Senior Vice President

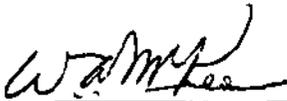
HEALTH ENTERPRISES, INC.

By: Martin L. Cohen
Martin L. Cohen, Senior Vice President

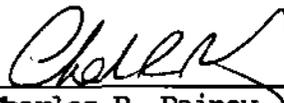
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FAIR OAKS PROFESSIONAL BUILDING, L.P.

By: 
William A. McKee, Vice President,
Fair Oaks Medical Building, Inc.,
General Partner

INDUSTRIAL DEVELOPMENT AUTHORITY

By:  VICE CHAIRMAN
Charles R. Rainey, Jr., Vice-Chairman

FAIRFAX COUNTY PARK AUTHORITY

By: 
Richard A. King, Acting County Executive

dln890

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January 28, 1991

BY HAND DELIVERY

Ms. Barbara Byron, Director
Zoning Evaluation Branch
Office of Comprehensive Planning
4050 Legato Road
Fairfax, Virginia 22033

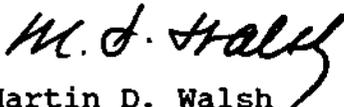
Re: RZ 87-C-042 and PCA 85-C-091-2
Proffers dated January 25, 1991

Dear Barbara:

It is my understanding that some confusion has arisen from language contained in the Fairfax Hospital Systems proffers concerning County condemnation of easements and who pays damage to the residue (Page 9, Item 4 in Proffer 17g.). It is our understanding that any award beyond the amount of the Letter of Credit shall be the financial responsibility of the applicant, Fairfax Hospital Systems.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY, P.C.



Martin D. Walsh

MDW/ms
c:\ltr\byron.009

cc: Jim Scott
Phillip G. Yates